

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

DONALD VAUGHAN,
Petitioner,

v.

Civil No. 3:24cv244 (DJN)

COMMONWEALTH OF VIRGINIA,
Respondent.

MEMORANDUM OPINION

Petitioner, a Virginia inmate proceeding *pro se*, submitted a Petition for Post-Conviction Relief. (ECF No. 1.) Petitioner asked for relief under state laws; therefore, it was unclear whether he intended to file this submission in this Court, or in a Virginia state court. (*Id.* at 1.)¹ Nevertheless, given the content of this document, the Court determined that it was appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App'x 144, 145 (4th Cir. 2008).


By Memorandum Order entered on April 19, 2024, the Court directed that, within twenty (20) days of the date of entry thereof, Petitioner must complete and return the standardized form for filing a § 2254 petition if he wished to file a petition for a writ of habeas corpus. (ECF No. 2.) The Court warned Petitioner that the failure to comply with the terms of the April 19, 2024 Memorandum Order would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*.

¹ The Court explained that if Petitioner intended to file in Virginia state court, he may either contact the Court to explain that he did not wish to pursue the action or may simply ignore this Memorandum Order and the Court would dismiss the action without prejudice if he did not respond. (ECF No. 2.)

More than twenty (20) days have elapsed, and Petitioner has not returned the standardized form for filing a § 2254 petition or otherwise responded to the Court's Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Petitioner.

/s/ 

David J. Novak
United States District Judge

Richmond, Virginia
Dated: May 15, 2024